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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,438

12/03/2003

Mikio Oda

2003_1683

5362

513

7590

05/24/2006

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EXAMINER

STORM, DONALD L

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/725,438

Applicant(s)

ODA ET AL.

Examiner

Donald L. Storm

Art Unit

2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☒ Newly proposed or amended claim(s) 3,4,5,8,9,10 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: See Continuation Sheet.

**RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER**

Donald L. Storm 5/18/06

Continuation of 3. NOTE:

The proposed amendment to claim 13 would not include the element of either increasing or decreasing the target voice signal on the predetermined degree basis that is the basis for changing the target voice signal in voice pitch. Such a broadening of scope could take the embodiment of the invention in a direction that is different from references already of record. The change would require an extensive art search in a different direction and present a new issue, and possibly a different invention, for consideration.

The proposed amendments to claims 14 and 15 would not include the element of calculating the maximum probability based on the changed target voice signal unit until the maximum probability is equal to or greater than a predetermined probability. Such a broadening of scope could take the embodiments of the invention in a direction that is different from references already of record. The change would require an extensive art search in a different direction and present a new issue, and possibly different inventions, for consideration.

The proposed amendments to claims 14 and 15 also present two new issues for consideration: (1) whether or not the limitation of calculating until the maximum probability is equal to or greater than a predetermined probability encompasses the same scope that is encompassed by increasing or decreasing the target voice signal when the maximum probability is smaller or larger than the predetermined probability and (2) whether the predetermined probability provides its own inherent antecedent basis or the claim may be unclear as to what probability this phrase refers.

Reconsideration of references already of record and additional search would be required because removing limitations would establish a context that was not previously examined in its proposed combinations of claim elements. Questions must be resolved about the proposed wording of claims 14 and 15, namely "when" (instead of "until") and "the predetermined probability..

Continuation of 11. does NOT place the application in condition for allowance because:

The Applicant contends that claims 13-15 have been amended so as to include the limitations of their base claim and intervening claims. This argument is not persuasive because (1) claim 13 would not include a limitation of either increasing or decreasing the target voice signal on the predetermined degree basis that is the basis for changing the target voice signal in voice pitch and (2) claims 14 and 15 would not include a limitation calculating the maximum probability based on the changed target voice signal unit until the maximum probability is equal to or greater than a predetermined probability.

Continuation of 13. Other:

***** IMPORTANT NOTICE *****

The Examiner handling this application, who was assigned to Art Unit 2654, is assigned to DIVISION 2626 as a result of consolidation in Technology Center 2600. Please include the new Division in the caption or heading of any communication. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.